



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

FEB 15 2000

400 Seventh Street, S.W.
Washington, D.C. 20590

Mr. Steven Charles Hunt
Shipmate, Inc.
1810 Green Lane
Redondo Beach, CA 90278

Reference Nos. 00-0006
00-0007

Dear Mr. Hunt:

This is in reference to your two letters dated December 29, 1999, submitted on behalf of several automobile manufacturers, requesting clarifications of the requirements applicable to the transportation of a Division 2.2 air bag module, UN3353, under 49 CFR 173.166.

Your questions are paraphrased and answered as follows:

- Q1. According to § 173.166, an air bag device should be assigned an EX number that is the same as the air bag inflator contained within the device. A final rule (Docket HM-215C) provides that until October 1, 2000, a Division 2.2 air bag module is allowed to be described as "Compressed gas, n.o.s., 2.2, UN1956" or "Argon, compressed, 2.2, UN 1006." The final rule amended the Hazardous Materials Table by adding a new shipping description, "Air bag modules, compressed gas, 2.2, UN3353." The basic description shown on the Competent Authority (CA) Approval for Classification of Explosives is in direct conflict with the basic description assigned to the device under the final rule. Could you provide for the use of the old EX number previously assigned to UN1006 or UN1956 with the new entry "Air bag modules, compressed gas, UN3353", or eliminate the requirement that the EX number must be included on the shipping paper?
- A1. A holder of a CA Approval affected by the adoption of Docket HM-215C may request, in writing, a revision to the approval to reflect the new shipping description. In addition, on September 30, 1999, we published a notice of proposed rulemaking (NPRM) under Docket No. HM-218 that proposes to revise §§ 171.11 and 171.12 to exclude a Division 2.2 air bag inflator, air bag module or seat-belt pretensioner that is being offered for international transportation from the requirement contained in § 173.166(c) to enter the EX number on the shipping paper. It was also our intent to exclude a domestic shipment of a Division 2.2 device from the requirement. This inconsistency will be corrected in the final rule.
- Q2. Section 173.166(e)(4) permits the use of a reusable high strength plastic or metal container or dedicated handling device for the shipment of air bag inflators and seat-belt pretensioners from a manufacturing facility to the assembly facility. Sometimes, these devices must be returned to the manufacturing facility because they are scratched, damaged or otherwise unacceptable. Are return shipments permitted under paragraph (e)(4)?




000006

173.166

A2. No, return shipments are not authorized. However, RSPA issued an exemption that provides for return shipments under § 173.166(e)(4). Any person may submit an application for exemption in accordance with the procedures contained in § 107.105. Your request for an amendment of § 173.166(e)(4) will be addressed in a separate letter.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, reading "Hattie L. Mitchell". The signature is written in a cursive style with a large, stylized "H" and "M".

Hattie L. Mitchell, Chief
Regulatory Review and Reinvention
Office of Hazardous Materials Standards



ShipMate, Inc.

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December 29, 1999

Mr. Ed Mazzullo
Chief, Standards Branch
U.S. Department of Transportation
Research & Special Programs Administration
400 Seventh Street, SW
Washington, DC 20590-0001

McIntyre
§ 173.166
00-0006

Subj: Request for Interpretation: Return of Air Bag Modules

Dear Mr. Mazzullo:

Steven Charles Hunt of ShipMate, Inc. is submitting this letter for and on behalf of a number of automobile manufacturers including Toyota Motor Sales; Mazda North American Operations; and Nissan North America.

We respectfully request a written interpretation regarding the return of air bag modules in returnable plastic boxes from an assembly plant to an original equipment manufacturer.

49 CFR 173.166(e)(4) permits the use of reusable high strength plastic or metal containers or dedicated handling devices for the shipment of air bag modules, air bag inflators and seat-belt pretensioners from a manufacturing facility to the assembly facility.

No mention is made of the return of these devices from an assembly facility to the original equipment manufacturer. Accordingly, it will be prohibitively expensive to repack individual devices into 4G specification or other UN approved packagings just for the return trip. There are a number of devices that need to be returned to the original equipment manufacturers because the covers are scratched, damaged or in some other way do not meet the specifications of the assembly plant.

We respectfully request a written interpretation that will permit us to return these devices from the assembly plant to the original equipment manufacturers. In addition, we request that 49 CFR 173.166(e)(4) be amended to read:

"(4) Reusable high strength plastic or metal containers or dedicated handling devices are authorized for shipments of air bag inflators, air bag modules, or seat-belt pretensioners from a manufacturing facility to the assembly facility, **and return**, subject to the following conditions:

* * * *"

Your assistance would be most helpful. If I may be of assistance in any way, please call.

Regards,


Steven Charles Hunt
ShipMate, Inc.



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December 29, 1999

Mr. Ed Mazullo
Chief, Standards Branch
U.S. Department of Transportation
Research & Special Programs Administration
400 Seventh Street, SW
Washington, DC 20590-0001

COPY

Subj: Request for Interpretation: Air Bag Modules, Compressed Gas

Dear Mr. Mazullo:

Steven Charles Hunt of ShipMate, Inc. is submitting this letter for and on behalf of a number of automobile manufacturers including Toyota Motor Sales; Volvo Cars of North America; Mazda North American Operations; and Nissan North America.

We respectfully request a written interpretation regarding the assignment of EX (Explosive Registration) numbers to air bag modules assigned to the identification number UN3353.

RSPA's Final Rulemaking, HM-215C, published March 5, 1999, assigns a new description to air bag modules that use a compressed gas cylinder to inflate the supplemental restraint system in a vehicle. These devices are now described as:

AIR BAG MODULES, COMPRESSED GAS, 2.2, UN3353

Use of the new description is authorized as of March 5, 1999 but not required until October 1, 2000.

According to 49 CFR 173.166, these devices should be assigned an EX Number that is the same as the air bag inflator contained within the device; however, these devices are currently assigned a basic description in the Competent Authority for the Classification of Explosives for the air bag modules as, either:

COMPRESSED GAS, N.O.S. (oxygen, helium), 2.2, UN1956; or
COMPRESSED GAS, N.O.S. (argon, oxygen), 2.2, UN1956; or
COMPRESSED GAS, N.O.S. (argon, helium), 2.2, UN1956; or
ARGON, COMPRESSED, 2.2, UN1006

This is the source of the confusion. Most common carriers require a copy of the Competent Authority Approval for the Classification for Explosives, because the EX Number is entered on the shipping papers in conjunction with the basic description. When the carrier reads the CA Approval that assigned the basic description, it is in direct conflict with the basic description assigned to these devices under HM-215C.



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Mr. Ed Mazzullo
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Accordingly, we respectfully request your written interpretation that either permits the use of the "old" EX Number for AIR BAG MODULES, COMPRESSED GAS, UN3353 that were previously assigned to UN1006 or UN1956; or eliminates the use of the EX Number on the shipping paper, despite the inability to maintain a cross reference between the Part Number and the EX Number; or in some other way, clarifies this issue.

Currently, we are having to remark all packages sent from the original equipment manufacturers having the "new" shipping descriptions to reflect the "old" proper shipping name and identification number in order for the packages to be picked up by most common carriers. As you could imagine, it has become prohibitively expensive to do so. Therefore, your assistance would be most appreciated.

If I may be of assistance in any way, please call.

Regards,



Steven Charles Hunt
ShipMate, Inc.